IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.435 OF 2007
IN
CRIMINAL APPEAL NO.370 OF 2007

Shri Sudhakar Vitthal Jadhav ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Mr.M.S.Karnik, adv. for the Applicant.
Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 16th April, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. The applicant was convicted for the offences punishable under Section 306 and 498A of the I.P.C. and was sentenced to undergo R.I. for 7 years and to pay fine of Rs.1,000/- and to undergo R.I. for 3 years and to pay fine of Rs.500/- respectively. The applicant has preferred the appeal challenging the conviction and sentence. Appeal is admitted. By this application, the applicant seeks to be released on bail pending final hearing and disposal of the appeal.

3. Record reveals that the deceased Pramila was married to the applicant about 15 years prior to her committing suicide by jumping into the well. As per the

evidence, for 2-3 years she was treated well but thereafter the accused used to beat and abused her under the influence of liquor. The applicant was on bail during the trial and there is no allegation that he had misused the bail. It appears that the learned trial Court relied upon the suicide note of the deceased Pramila, which indicated that she was treated with cruelty by husband, father-in-law and mother-in-law, who were accused nos.1, 2 and 3 respectively. Accused nos.2 and 3 were however, acquitted. It means that the trial Court did not find that suicide note is wholly trustworthy. In these circumstances, I find that it is a fit case to grant bail.

4. Pending final hearing and disposal of the appeal, the applicant be released on bail on same terms and conditions as before the trial Court subject to his furnishing fresh bail bonds and depsoting fine amount.

5. Application stands disposed off.

(J.H.Bhatia,J.)

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Mr.M.S.Karnik, adv. for the Appellant.

Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.

DATE : 16th April, 2007.

P.C.:

. Heard Mr.Karnik the learned counsel for the appellant and Ms.Gajare the learned APP.

. Admit.

(J.H.Bhatia, J.)